



## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original and first inventor of the invention entitled: **WAVELENGTH SEPARATION DEVICES INCORPORATING MULTI-BARRIER PHOTONIC HETEROSTRUCTURES** (Docket No. BAT 0089 PA/40078.245), described and claimed

\_\_\_\_\_ in the attached specification;  
X in the specification filed September 9, 2003, as U.S. Application  
Serial No. 10/658,122 and as amended \_\_\_\_\_.

I hereby authorize the attorney(s) and/or agent(s) appointed herein to indicate above whether the invention is described and claimed in an attached specification and to provide the Filing Date and Serial No. of the corresponding U.S. Application, if previously filed.

I hereby state that we have reviewed and understand the contents of the above identified specification, including the claims as filed and as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a).

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Richard A. Killworth	Reg. No. 26,397
James F. Gottman	Reg. No. 27,262
Timothy W. Hagan	Reg. No. 29,001
James E. Beyer	Reg. No. 39,564
Susan M. Luna	Reg. No. 38,769
Patricia L. Prior	Reg. No. 33,758
William A. Jividen	Reg. No. 42,695
Thomas E. Lees	Reg. No. 46,867
John D. Reed	Reg. No. 46,506
Brian L. Smiler	Reg. No. 46,458
Joan N. Williams	Reg. No. 52,364
Robert L. Zieg	Reg. No. 20,500
Stephen R. May	Reg. No. 29,255
Todd J. Harrington	Reg. No. P-50,137

Address all telephone calls to (937) 223-2050. Address all correspondence to: DINSMORE & SHOHL LLP, One Dayton Centre, One South Main Street, Suite 500, Dayton, Ohio 45402-2023.

I further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of first Inventor: James E. Toney

Inventor's signature James E. Toney

Date: 9/25/2003

Residence: 135 W. 1<sup>st</sup> Avenue  
Columbus, Ohio 43201

Citizenship: U.S.A.

Post Office Address: c/o Battelle Memorial Institute  
505 King Avenue  
Columbus, OH 43201-2693